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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,916	12/22/1998	LARRY A. NICKUM	450.251US1	2458

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EXAMINER

RAO, SHEELA S

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/218,916

Applicant(s)

NICKUM, LARRY A.

Examiner

Sheela Rao

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's amendment filed October 18, 2001 has been entered and considered.

Claims 1, 7, 8, and 13 have been amended.

2. Claims 1-23 are presented for examination.

***Response to Amendment***

3. The objection made to claims 2, 3, 4, 5, 12, and 17 is withdrawn in light of the explanation given in the amendment.

4. The rejection of claims 1-10, 12, and 19-23 under 35 USC §102(b) over Arledge, et al. (USPN 5,561,703) is withdrawn.

5. The rejection of claims 11 and 13-18 under 35 USC §103(a) over Arledge, et al. (USPN 5,561,703) is withdrawn.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabuchi (USPN 5,822,583) in view of Ruckdashel (USPN 6,038,542).

Tabuchi discloses an event generating and delivering system in a computer system that dynamically generates the event corresponding to the output, and automatically executes the process corresponding to the generated event. The event generating and delivering or

notification system of the patented invention includes a data processing system that comprises a notification controller and transceiver, as per instant claims 1, 6, and 7, is shown in Figure 1 of the reference. Tabuchi fails to teach of a portable transceiver for receiving messages as claimed by the instant invention. The patent to Ruckdashel teaches of a system for notification of a scheduled event through the use of portable devices such as pagers and wireless telephones. The inclusion of portable communication devices in the event notification system of Tabuchi would allow for better access to the user or respondent. It would have been obvious to one of ordinary skill in the art to have included the portable devices of Ruckdashel to the notification system of Tabuchi at the time the invention was so as to have achieved more flexibility, quicker access, and a more efficient system.

As per the limitations of claims 2-5, Tabuchi teaches the use of graphic and audio output devices as a means of delivery of the event. Additionally, the invention of Ruckdashel also teaches the use of LED, LCD, and audible messages with the use of the portable communication devices.

With regard to claims 8 and 13, the generation of an event from a software application, detecting the event, signaling the notification controller and transmitting a message is taught by Tabuchi in column 1, lines 24-45 and column ~~4~~ lines 44-61.

Tabuchi as modified by the invention of Ruckdashel would include the limitations of claims 9-10, and 14-15 as it is disclosed by Tabuchi that a number of application programs are run and based on the type of event appropriate processing with respect to the event is output. Ruckdashel teaches the limitation as claimed, see abstract and column 3, line 1, et seq. The limitations of claims 12, 17-20 and 22-23 are obvious to the use of portable transceivers or devices as they are used to notify and/or relay messages in this art area. As to the limitation of

claims 11 and 16 wherein the generating of an event comprises an interrupt request, this too is obvious to the function of an application program.

As per the limitation of claim 21 that claims the notification transceiver to operate at a frequency licensed for local use, this limitation is not a technical limitation it is a legal standard. As applicant has already admitted on page 6, lines 18-20, of the instant disclosure, the transmission of signals at licensed frequencies is typical as per licensing by the FCC.

For the reasons stated above, the limitations of the claimed invention is taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Skarbo, et al.                      USPN 5,805,886

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (703) 305-9766. The examiner can normally be reached Monday - Thursday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Grant, can be reached on (703) 308-1108.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to:


<b>(703) 746-7238</b>	<b>for After-Final Communications</b>
<b>(703) 746-7239</b>	<b>for Official Communications</b>
<b>(703) 746-7240</b>	<b>for Status Inquiries of Draft Communications</b>

**Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Sheela S. Rao  
January 10, 2002



**WILLIAM GRANT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**

